

August 3, 2016

Myung Chung
9040 Telstar Avenue, No. 28
El Monte, CA 91731

**RE: 3440 LINDA VISTA ROAD
VARIANCE CASE NO. PVAR 1602628**

Dear Mr. Chung:

On June 22, 2016, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.43, on your application for a Standards and Setback Variance to allow for the construction of a new 2,350 square-foot, two-story single-family residence with a street front setback and driveway length of 3-feet, 10-inches on a lot located at **3440 Linda Vista Road**, in the "R1R II" – Restricted Residential Zone, Floor Area Ratio District II, described as, Lot 6, Tract No. 10064, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) The minimum required street front setback in the R1R zone is 15 feet.
- (2) The minimum required driveway length in the R1R zone is 18 feet.

APPLICANT'S PROPOSAL

- (1) Street front setback of 3-feet, 10-inches.
- (2) Driveway length of 3-feet, 10-inches.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from CEQA review as a Class 3 (New Construction or Conversion of Small Structures) exemption, pursuant to State CEQA Guidelines Section 15303.

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following:

A. The strict application of the provisions of any such ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the ordinance.

The subject site is a 9,220 square-foot, downward-sloping lot with an average current slope of 67%. The site is similar to other hillside lots in the neighborhood in terms of lot size and topography, where the buildable area on the lot is relatively small and located close to the street right-of-way. The proposed 2,350 square-foot, two-story single-family residence and attached 474 square-foot two-car garage is proposed to be located close to the front property line with a street front setback and driveway length of three-feet, 10-inches.

While the proposed 3'-10" reduced street front setback request appears extreme, strict application of the code would result in practical difficulties and unnecessary hardship inconsistent with code. If the building were to comply with the required street front setback (minimum of 15 feet) and the driveway length (minimum of 18 feet) for R1R zoning standards, the massing of the dwelling and attached garage would project far from the slope and would loom over adjacent properties downslope of the subject site. Such a building would not comply with the hillside design guidelines that specifically recommend that new houses reflect the topography and slope, and that encourage building into the hillside to diminish visual impact of mass and scale, even if significant grading may be required. The guidelines also state that prevailing setbacks of buildings on the street be considered as well as Code requirements. The majority of houses along Linda Vista Road within 300 feet of the subject property feature front setbacks ranging from 12 to 25 feet, several of which were approved by variance. Approval of a reduced street front setback and driveway length would allow for reasonable development of the site in such a manner that is not incompatible with the surrounding neighborhood.

Furthermore, a variance was approved in August 1977 that allowed for the 12.5-foot setback for the residence and an eight-foot setback for the garage on the subject lot (Lot 6 of Tract No. 10064), in conjunction with the permitted 12.5-foot setback for the residence and the 13-foot setback for the garage on the adjacent property (Lot 5 of Tract No. 10064). The adjacent property (3434 Linda Vista Road) was developed with a two-story, 2,990 SF single family residence in 1980 (certificate of occupancy issued). The subject lot, however, was never developed and the variance approval expired. The previous variance site plan features the driveway and building footprint at a different orientation and location from the present proposal. The current variance request is being approved for an eight foot building setback and driveway length, which is consistent with the prior variance approval while still providing a reduction from Code requirements.

B. There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

There are conditions that exist on the subject site that typically do not exist on comparable lots zoned with the same zoning designation in that the subject property has a limited building pad exceptionally close to the street front property line and a wider public right-of-way width than other lots in the neighborhood. This exceptional circumstance places the subject property at an unfair disadvantage because compliance with the zoning code minimum setback and driveway length requirements on this steeply sloped lot would cause unintentional conflicts with the City's Hillside Design Guidelines, resulting in a building form that is forced to project away from the topography. Additionally, given that the minimum driveway slope for R1R properties is twenty percent (20%) and the average current slope of the property is 67%, compliance with the driveway slope requirement with a minimum 18-foot driveway would necessitate a driveway bridge design, thus disrupting the street front development pattern along Linda Vista Road.

Furthermore, the subject lot sits further away than the two adjacent lots from the existing edge of pavement along Linda Vista Road. This concave dip of the subject lot's front property line results in an approximately 15-foot offset from the street. This significantly wider street edge to front property line condition is an exceptional circumstance for the subject lot that is not found on any of the surrounding properties along Linda Vista Road. Moreover, three existing Oak trees are located within this public right-of-way area and not on the project site; the center tree (#2), which has the lowest grade designation of the three trees, is slated for removal as part of the project. The subject site's unusual street public right-of-way configuration, combined with the site's steep topography and limited building pad close to the street front property line, result in exceptional circumstances for development of the vacant lot in the R1R neighborhood.

C. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

The Zoning Code requires a 15-foot street front setback and a minimum driveway length of 18 feet for single-family residences located in the R1R zone and the applicant is requesting a reduced street front setback and driveway length of three-feet, 10-inches. Granting a reduced street setback and driveway length will not be materially detrimental to the public or injurious to the property or improvements in the R1R neighborhood. The intent of the front setback requirement is to maintain an attractive neighborhood with consistent streetscape and rhythm, in addition to relief from the street. This requirement is critical in a more typical arrangement where homes are aligned next to each other and address the street the same way in a repeating pattern. The reduced street front setback in this case would not create a visual impact and would be consistent with the development pattern in the immediate hillside neighborhood with curvilinear streets, particularly the southern parcels of Linda Vista Road which do not have a consistent front setback pattern.

The substantial public right-of-way width at this particular location, in combination with the approved eight foot setback, will provide an appearance of a larger street front setback, as well as enough setback area between the street edge and the proposed garage to safely access the garage and temporarily park in the driveway.

There are no public sidewalks along Linda Vista Road and no street right-of-way widening is anticipated. Comments provided by Public Works' Engineering Division for this project require an encroachment permit for the driveway/retaining improvements within the right-of-way.

As approved, the building pad will be located closer to the street to minimize landform alteration with excessive grading, and further avoid the appearance of a bulky building looming over downslope of the subject site. The subject site will maintain approximately 70% of natural and new landscaped area. New drought-tolerant landscaping is proposed around the perimeter of the new house and garage. The remaining lot area that will not be disturbed by the construction of the house, garage, and retaining walls will remain in its natural state. The additional public right-of-way setback with Oak trees, in combination with the approved eight-foot setback, still provides the Code-intended relief from the street, as well as area for off-street, temporary parking on the driveway for the residence. Therefore, approval of the modified setbacks will not be detrimental to the surrounding properties in the immediate area.

D. The granting of the variance will not be contrary to the objectives of the ordinance.

The objective of the Zoning Code is to protect the character of the neighborhood and ensure sensible development. The objective of the street front setback requirement is to ensure that the setbacks of buildings from a street respect the existing or preferred neighborhood character, maintain an attractive rhythm and streetscape, and provide landscaped open space along the street. The purpose of the minimum driveway length is to provide an adequate space to allow vehicle to access required parking spaces within a garage, as well as provide a space for temporary parking and loading area not blocking the street. The modified approval of a reduced street front setback and reduced driveway will not be contrary to the objectives of the ordinance due to the existing substantial width of the public right of way ("curbface" to property line width) that results in a substantial setback from the street and also area for off-street temporary parking in the driveway. The requested exceptions in this case are sensible and afford the property owner a fair opportunity in developing a vacant property similar to other residences in the immediate vicinity.

CONDITIONS OF APPROVAL

APPROVAL of the Standards and Setback Variances shall be subject to the following

1. That this variance request be modified to permit a dwelling eight feet from the front property line and a driveway length of eight feet from the property line, as originally

approved in 1977 by Variance Case No. 6344-S for the subject property, and that development shall be in substantial accord with the plans submitted with the application and presented at the hearing, except for the change in street setback and also except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer, and conditions of approval by the Design Review Board.

2. That all necessary permits (i.e. building, fire, engineering, etc.) shall be obtained from the Building and Safety section and Public Works Department and all construction shall be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.
3. That Design Review approval shall be obtained prior to the issuance of a building permit and that the project shall comply with the Hillside Design Guidelines.
4. That the applicant shall comply with all Section/Department requirements as specified in their memos/interdepartmental communications to the satisfaction of the City or Department Director. These memos include Public Works' Engineering Division (March, 16, 2016) and Integrated Waste Division (March 4, 2016) and Urban Forester (May 16, 2016), GWP (February 29, 2016), Building & Safety Section (February 16, 2016), and Community Services and Parks (March 1, 2016).
5. That the project shall comply with all mitigation measure provided within the revised Indigenous Tree Report, prepared by Arbor Essence and dated February 11, 2015 and revised May 10, 2016. The driveway location, decorative paving material and width adjacent to the protected trees in the public right-of-way must be approved by the Urban Forester. The Urban Forester may impose such conditions as requiring the driveway be moved away from the drip line of the City tree on the east side of the property or the driveway width approach at Linda Vista Road be reduced. Furthermore, any required replacement oak trees must be planted on the subject site.
6. That a landscape plan proposing water conserving materials and a complete irrigation plan shall be prepared by a person licensed to prepare such plans and shall be approved through Design Review prior to the issuance of a building permit.
7. That landscaped areas shall be maintained in good condition with live plants and free of weeds and trash.
8. That any expansion or modification of the facility or use shall require a new variance application. Expansion shall constitute adding of additional floor area or any physical change as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.

APPEAL PERIOD

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the City Council if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented.

It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **AUGUST 18, 2016**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

APPEAL FORMS available on-line: <http://www.glendaleca.gov/appeals>

TRANSFERABILITY

This authorization runs with the land for which it was intended for and approved. In the event the property is to be leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

REVOCATION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, administrative use permits, and

conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer). To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a variance at least ten (10) days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

GMC CHAPTER 30.41 PROVIDES FOR

Termination

Every right or privilege authorized by a Variance shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

Extension

An extension of the Variance may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the Variance

Cessation

A Variance may be terminated by the review authority upon any interruption or cessation of the use permitted by the Variance for one year or more in the continuous exercise in good faith of such right and privilege.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **By Appointment Only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Dennis Joe, at 818-937-8157 or djoe@glendaleca.gov

Sincerely,



Vilia Zemaitaitis
Planning Hearing Officer

VZ:DJ:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (W. Ko/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (S. Mirzaian); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); Brian Duran, President Chevy Chase estates Association, Inc.; Nanci & Mark Sanchez; Palma Vincenti; and case planner Dennis Joe.